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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,597	02/22/2002	Brad V. Johnson	NUFO009	5739
7590	07/02/2004		EXAMINER	
JAMES Y. GO BLAKELY SOKOLOFF, TAYLOR & ZAFMAN LLP. 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES, CA 90025			SCOTT JR, LEON	
			ART UNIT	PAPER NUMBER
			2828	
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,597	JOHNSON, BRAD V.	
	Examiner	Art Unit	
	Leon Scott, Jr.	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Leon Scott, Jr.

Primary Examiner

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.



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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the lines 1-3 of claim 1, although applicant recites structure; it is not clear from the recitation of the claim how those elements connectivity relate to the device as a whole to produce an optical apparatus ; what optical apparatus , how does it function; claim 1 is in definite and incomplete. In : line 2 of claim 1, lines 1-3 of claim 8, it is not clear how the tuning element is positioned in a light beam, what structure positions the tuning element in a light beam; further no structure has been recited to produce a light beam; is this light beam coherent; claims 1 and 8 is indefinite and incomplete. In line 3 of claim 1, it is not clear how the drive element is magnetically coupled to said tuning element, further what does the drive element drive and what does the fact that it is magnetically coupled have to do with the tuning element; claim 1 is indefinite and incomplete. It is not clear in line 2 of claim 3 that the first magnetic element is different from the magnetically coupled tuning element of claim 1; claim 3 is indefinite and incomplete. In line 4of claim 3 it is not clear how th ec nd magnetic el ment i associat d with th drive, claim 3 i indefinit and inc mplet . In : lines 1 and 2 of claim 4, lines 1-3 of claim 8, and lin 1-3 of claim 16, it is n t clear that a gain

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medium, exclusive of a pump will produce a light beam, further since a gain medium is being claimed the light beam must be coherent; claims 4, 8 and 16 are indefinite and incomplete. In lines 1 and 2 of claims 5, 10 and 28, it is not clear what positioning the reflected after the tuning element has to do with the device as a whole, or is applicant simply claiming the arrangement of elements; claims 5, 10 and 28 are indefinite and incomplete. In lines 1 and 2 of claim 6, it is not clear how the grid generated is associated with a light beam or how it is configured to define a channel grid; claim 6 is indefinite and incomplete. In lines 1-3 of claim 7, it is not clear how the specific collection of elements . connectivity relate to the device as a whole or as before is applicant simply claiming the specific arrangement of elements; claim 7 is indefinite and incomplete. It is not clear in claim 8 how the second magnetic element is actuated, claim 8 is indefinite and incomplete. Any claims 13 and 20 . it is not clear how the activated carbon drain functions in the device as a whole; claims 13 and 20 are indefinite and incomplete. In claims 14 and 21, it is not clear how the moisture trap functions in the device as a whole; claims 14 and 21 are indefinite and incomplete. In claims 23 and 31, since no method step has been recited which will pump a gain medium, it is not clear how the method for operating a laser is achieved; claim 23 and 31 are indefinite and incomplete. In claim 35 , it is not clear what type of beam being claimed . it is not clear what effect actuating a tuning element in a non-coherent beam would have, how does the tuning element function in the device; claim 35 is indefinite and incomplete.

Hopkins II et al (6, 717, 965) is cited for its teaching of a filter and its use for laser tuning.

Any inquiry concerning this communication or anything further communication from the examiner should be directed to Leon Scott, Jr. whose telephone number is (571)-272-1953. The

xaminer can normally be reached on Monday - Friday, 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached at (703)308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are ((703) 872-9306 for regular communications and ((703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.



Leon Scott, Jr.
Leon Scott, Jr.
Primary Examiner
Primary Examiner
Art Unit 2828

lsjr

June 28, 2004